

## MORAL REQUIREMENT AND THE NEED FOR DEONTIC LANGUAGE

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IN PART I of this paper I attempt to present, in more or less summary fashion, some well-known difficulties in the concept of deontic morality (i.e. the morality of duty, obligation, what is morally wrong, and what one morally ought to do), as shown by certain features of deontic moral discourse. I make no great claims for originality here, although perhaps there may be some virtue in the presentation and ordering. In any case, Part I is a necessary preliminary to Part II, where I attempt to defend the rationality of and the necessity for deontic language against some recent (direct and indirect) attacks.

### I

That there are similarities among deontic moral rules and principles on the one hand, and laws and commands on the other, has long been known. 'Obligatory' and 'wrong', in their deontic uses, are very close to 'mandatory' and 'forbidden' through the notion of requirement or necessity for action which is present in them all. And things become mandatory or forbidden through legislation or by command. Yet deontic moral rules and principles are neither laws nor commands, as these terms are generally understood. Laws require legislators and commands commanders, but deontic moral principles lack both of these, and moral codes may be said only in an extended sense of the word to be 'legislated' by the community. And, of course, I may reject some of the *mores* of my community and remain principled; I may even reject them on moral grounds. To speak, as Kant does, of 'self-legislation', since it makes no literal sense, is to speak analogically or metaphorically, and there are well-known difficulties in attempting to construe *moral* requirement as the necessity for obedience to the commands of God.

One thing that distinguishes deontic moral principles from both laws and commands is their complete generality. Commands are always given by specific persons to specific persons or members of a class, and laws compel only when and where the legislation is in force. Deontic principles, however, are understood to compel regardless of time or place as such, or, as such, of the individuals involved.<sup>1</sup>

<sup>1</sup>This is not to say that we may not have a *moral* obligation to obey the law, in addition to our legal obligations as defined by the law. And, of course, this moral obligation is as general as any other moral obligation. Nevertheless *legal* obligation

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Again, if they are to be generally obeyed (and they are pointless otherwise), laws require enforcement, and commands are only executed by those who acknowledge the authority of the source or by those whom it has the power to compel. One's deontic moral principles, however, may or may not be wholly or partly externally sanctioned, depending upon the degree to which they coincide with the rules accepted by the community or group. But most importantly, for the conscientious person, they need not be so sanctioned.

Nor can we look to the recognition or acceptance of authority as the sole motive for obedience to moral 'commands', even if we suppose (in order to account for the complete generality) an authority who from the beginning has issued commands binding upon all men at all times. For many people who would deny that they were obeying the commands of any authority sincerely profess and defend and act upon deontic moral principles. (Certainly a principled atheist would deny that in acting as he morally ought, he did as he was commanded by God!)

Deontic moral principles, then, differ from both laws and commands in the following two important respects. First, deontic principles are completely general, whereas laws and commands are not. And second, whereas it is logically possible that the motive for obedience to laws and commands be provided in all cases by external sanctions or acceptance of authority, it is not logically possible that the motive for acting according to deontic principles be so provided. From the point of view of someone who accepts it, a deontic rule or principle is binding, i.e. an *obligation* exists, whether or not there are external sanctions and (for some at least) whether or not it is commanded by some authority whom he recognises.

The internal sanctions of conscience, the sense of duty and the sense of guilt do not help us here either. The presence of any one of them presupposes the understanding that an obligation exists, and since such an understanding entails *already* having a motive, these feelings cannot logically provide the motive by themselves. Conscience is simply that set of feelings and inner proddings associated with one's deontic beliefs, whatever they happen to be, and logically presupposes those beliefs. The same is true of the sense of duty. And if I feel guilty (experience the feeling or sense of guilt), it follows logically that, whether I will admit it or not, I believe myself guilty only exists where and when a law is in force. It is, in this sense, local, whereas moral obligation is not. One may also have a moral obligation to do what the law requires in addition to the legal obligation, yet which is independent of any general moral obligation to obey the law. Take stealing, for example. Here we may distinguish three distinct obligations: the moral obligation to obey the law in general, the moral obligation not to steal, and the legal obligation not to steal. The first two are general; the last is not.

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of a moral transgression, even if I am unaware of what that transgression is. If I refrain from doing something for fear of the guilt feelings which will ensue, it follows logically that I believe the act, on prior grounds, to be morally wrong. The anticipated fear cannot explain why I judge myself bound to refrain.

These three facts about deontic moral principles, (1) their complete generality, (2) that they *require* acts and omissions, thus overriding considerations based on the wishes or inclinations one may otherwise happen to have, and (3) that the motive for acting as they require cannot derive exclusively from external sanctions or from the recognition of authority, raise some serious problems about deontic motivation. For if deontic considerations are to be practically effective, if it is to be possible for people to *live* by deontic principles (and otherwise they are pointless), then people must be capable of being motivated by a consideration of them, and by a consideration of them alone, independently of purely personal or contingent wants, of sanctions and of external authority.

However, in spite of these three facts, it might still be argued that moral obligation was grounded in rational prudence, if it could be shown that there were certain rules or principles which ought to be followed generally in order to provide conditions necessary for a minimally desirable life. Hobbes's laws of nature are intended as principles of this kind. They are necessary, says Hobbes, for peace, and peace is necessary for survival, and so they are in anyone's interest. They are thus as general as you please. They are not dependent on the desires or wishes of particular individuals, nor upon the desires or wishes that, from time to time, anyone may be expected to have. They are dependent on desires that any man, as a man, can be assumed to have at any and all times. The difficulty with this position, however, is that it is difficult to show that there is more to gain or less to lose by obedience to the laws of nature in every clear case of their application than by disobeying them in order to satisfy contingent wants. And why should a man not make use of other people's obedience to natural law for his own advantage? Hobbes is forced to argue that he could never be sure he would not be found out and suffer the consequences.

That situations cannot arise in which one would be certain not to be found out is at least doubtful. But, more importantly, that one is sure one will not be found out does not, as Hobbes's argument suggests it would, release one from one's obligation, if it is a deontic one. Appeals to prudence, no matter how universal or long-range, are different in kind from the deontic considerations by which, except in certain unusual circumstances, they are over-ridden. Indeed it is just precisely at times of apparent conflict that a man's character

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and the sincerity and force of his convictions are put to the test. If his deontic convictions are sincere and strong, he will do whatever he is convinced he is strongly obliged to do, whether or not he believes it is in his interest. And if he does what he does, not because it is the morally right thing, but for fear of suffering or in the hope of gain, then his reasons for acting are not deontic reasons at all.

This is what Prichard was getting at when he said that making a man want to do something or giving him reasons for doing it would not restore his sense of obligation or give him any moral principles.<sup>1</sup> His conclusion was that there are no reasons for doing what we morally ought, that such behaviour is not purposive, and that we intuit our duties in an 'act of moral thinking'. The truth is that deontic reasons, unlike other reasons for acting, cannot be accounted for, either as explaining or as justifying reasons, in terms of contingent wants (feature (2) above), or private interest of *any* kind, no matter how constant, how long-range, or how universally shared.

This fourth feature of deontic moral principles, viz. that appeals to universal rational prudence are ruled out, taken together with the other three, is the source of a really serious problem concerning deontic motivation. For if deontic reasons are not reasons because of a connection with contingent wants, or inclination, or private interest of any kind, and commonly over-ride such reasons, and if deontic principles are to be practically effective, then we must, on some occasions at least, be able to choose to do something that we neither desire to do nor judge to be in our interest to do. And this is difficult to understand. For how can something constitute a possible motive (possible explaining reason) unless it connects with what a person desires or wants, or desires or wants to avoid? How can we account for someone choosing to do something from which, *ex hypothesi*, he believes he has nothing to gain, and which his inclinations oppose? For if he chooses to do it, must he not, in some sense, be said to *want* to do it? And a closely related question: How can such a choice be said to be wise or reasonable or justified? Re-expressed in terms of reasons for acting, the two questions are: (1) How, since there is no *apparent* connection with wanting, can an act be explained by deontic reasons (motivated by deontic considerations)? and (2) How can an act be *justified* by deontic reasons? These are questions the deontological moralist must ultimately face. We cannot 'sit down in a cool hour', as Butler would have us do, without surreptitiously turning the deontic 'ought' into a prudential one and leaving deontic morality behind.<sup>2</sup>

<sup>1</sup>"Does Moral Philosophy Rest on a Mistake?" *Moral Obligation* (Oxford, 1949), pp. 1-17. See especially pp. 2-3.

<sup>2</sup>"Let it be allowed, though virtue or moral rectitude does indeed consist in

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Where deontic moral principles are concerned, that an act falls under a certain description must, in the standard case, constitute a sufficient reason for doing or not doing it.<sup>1</sup> Where one ought morally to do something, one ought to do it simply because it is the kind of thing that it is, i.e. one ought to do it as an instance of the application of some principle. And this will be true even though the principle itself requires justification. Thus, if showing gratitude to a benefactor is a duty, we must show gratitude simply *by reason of* having received a benefit, whether or not we have any other reason for doing so. Although in showing gratitude for whatever reason we *fulfil* our obligation, that a benefit has been received must by itself constitute, in the standard case, a sufficient reason for doing so. Thus we can distinguish between doing something *in order to* indicate gratitude for benefit received *for whatever reason*, and doing it *by reason of* having received a benefit. The act need not, as Kant supposed, be any more virtuous, i.e. it need not carry with it any special merit for having been done for the deontic reason alone. It may be equally or more meritorious to do it for another reason, such as spontaneous affection or good will. But if indicating gratitude for benefit received is a duty, then that we have received some benefit must by itself constitute, in the standard case, a sufficient reason for doing it. Similarly, if lying is wrong, then that something would be a lie must, in the standard case, constitute sufficient reason for not saying it. And so on.

## II

In face of the problems and difficulties inherent in the concept of deontic morality, three philosophers have recently been advocating a return to the traditional virtue approach to all moral questions, in the spirit of Aristotle and Aquinas. These three are Philippa Foot, Elizabeth Anscombe and Peter Geach,<sup>2</sup> and they recommend in varying degrees, de-emphasising talk about principles in favour of talk about virtues and vices, and replacing deontic language, to the affection to and pursuit of what is right and good, as such; yet, that when we sit down in a cool hour, we can neither justify to ourselves this or any other pursuit, till we are convinced that it will be for our happiness, or at least not contrary to it.' (Sermon XI, Paragraph 20.)

<sup>1</sup>This need not, of course, apply with respect to every description under which the act may fall. The act of visiting Smith, or of visiting my father in the hospital, is not *as such* obligatory. However, that the act falls under the description 'keeping a promise' or 'repaying a kindness' does constitute, for anyone who holds that these are obligatory, a reason for doing it that normally is sufficient.

<sup>2</sup>See especially, G. E. M. Anscombe, 'Modern Moral Philosophy', *Philosophy*, XXXIII (January, 1958), 1-19; P. R. Foot, 'When is a Principle a Moral Principle?' *Proceedings of the Aristotelian Society*, Supplementary Volume 28 (1954), 95-110, and 'Moral Beliefs', *Proceedings of the Aristotelian Society*, LIX (1958-59), 83-104. Also P. T. Geach, 'Good and Evil', *Analysis*, 17 (1957), 33-42.

extent that that is possible, with talk about *justice* in particular.

Geach, appealing to Aquinas, rejects the distinction between the goodness and the rightness of acts and prefers to think solely in terms of the 'good human act'. Mrs Foot insists that principles, if they are to be recognisable as moral principles, must be shown to relate to one or other of the virtues. The virtues, in turn, including the virtue of justice, under which come our duties to others, are to be related to the agent's needs or wants. Miss Anscombe is the most radical of the three. On her view, all talk about duty, obligation, right and wrong, and what one ought to do, in the moral sense of these words, should be replaced with talk about what is and what is not just. And justice, which thus (as with Mrs Foot) has a special role among the virtues, is to be shown to be a virtue solely in the sense of something that human beings need in order to 'flourish', so proving that everyone has a good reason for being just:

The concepts of obligation, and duty [she says]—*moral* obligation and *moral* duty, that is to say—and of what is *morally* right and wrong, and of the *moral* sense of 'ought', ought to be jettisoned if this is psychologically possible; because they are survivals, or derivatives of survivals, from an earlier conception of ethics which no longer generally survives, and are only harmful without it.<sup>1</sup>

This earlier conception is what she calls a *law* conception of ethics, and to have this, she says,

is to hold that what is needed for conformity with the virtues failure in which is the mark of being bad *qua* man . . . is required by divine law. Naturally it is not possible to have such a conception unless you believe in God as a lawgiver; like Jews, Stoics, and Christians. But if such a conception is dominant for many centuries, and then is given up, it is a natural result that the concepts should remain though they had lost their root; and if the word 'ought' has become invested in certain contexts with the sense of 'obligation', it too will remain to be spoken with a special emphasis and a special feeling in these contexts. . . . The situation, if I am right, . . . [is] the interesting one of the survival of a concept outside the framework of thought that made it a really intelligible one.<sup>2</sup>

What I shall argue in what follows is that, on the contrary, we cannot get along without deontic language, that the concept of moral obligation does make sense (indeed only makes sense) outside the context of what Miss Anscombe calls a law conception of ethics, and that deontic discourse cannot be replaced with the language of virtue. Justice, I shall argue, cannot be understood as a personal virtue in the way that, say, courage or temperance can. (Nevertheless there is more to morality than moral obligation, and we need

<sup>1</sup>Anscombe, *op. cit.*, p. 1.

<sup>2</sup>*Ibid.*, p. 6.

both virtue language and deontic language. Neither one can substitute for or replace the other.)

The moral (i.e. deontic) sense of 'ought' developed, according to Miss Anscombe, when the word was 'equated in the relevant contexts with "is obliged", or "is bound", or "is required to", in the sense in which one can be obliged or bound by law, or something can be required by law'.<sup>1</sup> But it has now 'become a word of mere mesmeric force . . . containing no intelligible thought; a word retaining the suggestion of force, and apt to have a strong psychological effect, but which no longer signifies a real concept at all'.<sup>2</sup> Obligation, requirement, being bound, it is said, only make sense in terms of law; 'ought' has somehow become identified with these in certain, i.e. divine law, contexts; none have any sense in moral contexts except where a divine law conception of morality is assumed. Nevertheless, although such a conception no longer exists, the words continue to be used but with a purely 'mesmeric' force. This is admittedly an extreme position, and no one, so far as I know, besides Miss Anscombe, has put it forward in quite so uncompromising a fashion. But it is a natural enough extension of less radical views, and it deserves to be examined.

First we should ask how 'ought' came, as Miss Anscombe claims it did, to be equated with 'is obliged', etc., in the appropriate contexts. That I ought to do something means that I have good and usually sufficient reasons for doing it; but if I am bound or obliged to do something I *must* do it, whether I like it or not and, if it is a law that binds me, on pain of some kind of punishment, or because the author of the law is a proper authority. Of course it does not have to be a law that binds me. It may be a particular command. Or I may be obliged (for example) to take a detour on pain of getting stuck in the mud, or perhaps because the normal route is blocked. But obligation implies constraint while 'ought' carries no such suggestion. Where I say, 'I am obliged to x', however, it follows that I believe I *ought* to x. If the pain or disadvantage or impropriety entailed by not x-ing were not sufficient to outweigh any advantage, then I should not say that I was obliged. To say that I am obliged to do x is to say that in the circumstances x is the only reasonable thing to do. But whereas 'I have to' or 'I am obliged to' entails 'I ought to' in non-deontic contexts, the reverse is not true, since the former contains the notion of constraint or necessity which the latter does not. In non-deontic contexts, in other words, the expressions are never equivalent.

But what of the divine law context in which, according to Miss Anscombe, the words were equated? Here certain acts are enjoined

<sup>1</sup>Anscombe, *op. cit.*, p. 5.

<sup>2</sup>*Ibid.*, p. 8.

and others are prohibited by divine command. One is obliged to do them, no doubt, on pain of divine punishment, which one takes to be certain, and because this threat exists, there are sufficient reasons for obedience, i.e. one *ought* to obey. 'Ought' and 'is obliged' are no more equivalent here than in any other case where the obligation to do something is explained by the undesirable consequences of failing to do it. It is simply that 'I am obliged' entails 'I ought'. Or if one is obliged to obey God's commands simply because of his supreme authority, again 'I am obliged' entails 'I ought', but they do not mean the same. Even if we suppose that, for a believer, 'I ought to because God commands' is true when and only when 'I am obliged to because God commands' is true, the expressions are still not equivalent in sense. We cannot argue that 'ought because commanded by God' entails 'obliged because commanded by God' (as well as being entailed by it), but only that, from the point of view of the believer, whenever the first is true, the second is true also. There are no occasions when he ought to do a thing because God has commanded it, and when he is not also obliged (for fear of punishment or from divine authority or both) to do that thing. This, however, is a matter of his belief. It is not a logical necessity. Or if the (non-moral) obligation to obey God's laws is not explained in terms of fear of divine punishment (including the withholding of divine rewards) or the acknowledgment of divine authority, how is it to be explained? Miss Anscombe cannot say that we have a *moral* obligation to obey divine law, since this is the very concept that she wishes to reject.

And how could the obligation to obey the laws and commands of God have turned into the notion of *moral* obligation as we know it, where 'ought to' and 'is obliged to' really are equivalent, and where the source of the constraint not only need not be external (as in the case of the threat of divine punishment), but the obligation must somehow be dependent upon the nature of the action itself (or its consequences), and not upon any supposed authority? Does Miss Anscombe wish to deny that there are such things as conscience, or the sense of duty, or the feeling of guilt? Or, accepting their existence, does she mean to suggest that they are irrational and ought to be eliminated, 'jettisoned', along with deontic language? For to experience any one of these entails a belief in or acceptance of, at least one deontic principle.

And what do the opponents of deontic concepts offer in their place? The notion of virtue and of the 'good human act'. Deontic judgments and principles are to be replaced by judgments of virtue or vice. Acting on deontic moral principles, or carrying out one's obligations, is to be replaced by living according to the virtues or

performing good human acts, i.e. being a good man *qua* man. And since everyone wants to be a good man *qua* man, everyone has a reason for choosing good or virtuous acts. Acting well is a man's aim *qua* man. Acting well *qua* man is the characteristic human good. The various sorts of acting well are the human virtues, and of acting badly the human vices. But this is analytic. We must give content to 'acting well' in such a way as to keep a connection with wanting.

Geach<sup>1</sup> claims that, in general, 'good' has a purely descriptive force, and that in order to know what a good x is, it is only necessary to have a clear idea of what an x is. Thus we know what a good hygrometer is when we know what a hygrometer is. This is to apply *mutatis mutandis* to 'good man' and 'good human act'.

Geach admits<sup>2</sup> that there is more difficulty in passing from 'man' to 'good man' and from 'human act' to 'good human act' than from 'hygrometer' to 'good hygrometer' or from 'knife' to 'good knife', and says he 'shall not here attempt to explicate the descriptive force of "good (bad) action"'.<sup>3</sup> But, as R. M. Hare points out in his reply to this article,<sup>4</sup> 'good' in 'good man' and 'good human act' cannot be descriptive in the way that Geach supposes it is. We can move from 'hygrometer' to 'good hygrometer' because 'hygrometer' is what Hare calls a 'functional word', i.e. it is defined in terms of what the object does or what it is *for*. A hygrometer is an apparatus for measuring the degree of moisture in the atmosphere; a good hygrometer is an apparatus that measures the degree of moisture in the atmosphere accurately or well. 'Good man' and 'good human act' could only be descriptive in the required sense, i.e. their meaning could only be a function of the meaning of 'man' and 'human act' if the latter expressions were given functional definitions. But this is not a legitimate procedure. And, in any case, what would guarantee that the connection with wanting was preserved?

The mistake is similar to one made by Aristotle in Book I of the *Nicomachean Ethics*. Aristotle first identifies the human good with happiness since happiness is the ultimate end of all human action. Then, in order to give content to 'happiness', he looks to see what the characteristic activity of man is, for the good of a thing, so he says, is to be found in what it is specially able to do. Of course, so far as things that have a role or function are concerned, this is no doubt true; but there is something very odd in the notion of a man's having a characteristic activity in this sense at all. Aristotle's 'Have the carpenter, then, and the tanner certain functions or activities,

<sup>1</sup>'Good and Evil', *Analysis* 17 (1957), pp. 33-42.

<sup>2</sup>Geach, *op. cit.*, p. 39.

<sup>3</sup>Geach, *op. cit.*, p. 40.

<sup>4</sup>Geach: 'Good and Evil', *Analysis*, 17 (1957), 103-111.

and has man none?’<sup>1</sup> does not impress us. And whatever that activity is eventually stated to be, a man may say, ‘Well, I just don’t happen to be interested in that sort of thing. I don’t want to devote my life to rational activity, and I don’t see why anyone else should either.’ Of course, if it could be shown independently that good rational activity was something that everyone needed, or that everyone had a good reason for doing—a requirement for happiness or something of the sort—then it would have been shown that good rational activity was a universal human good. But Aristotle’s simple identification of happiness as the human good in the sense of what all men aim at, with virtuous rational activity as the human good in the sense of the characteristic activity of man performed well, is not legitimate.

Plato attempts a more legitimate course in the *Republic*, where he tries to show that justice is a universal human good or virtue in the sense of something that everybody needs or requires in order to live well and be happy. And this is also the course advocated by Miss Anscombe and Mrs Foot. ‘Morally right’ and ‘morally wrong’ are to be replaced by ‘just’ and ‘unjust’, and the problem becomes one of proving justice to be a virtue or human good in the sense of something that any human being needs in order (to use Miss Anscombe’s expression) to flourish. And this will establish that everyone has a good reason for being just.

Miss Anscombe admits that this is a difficult task. ‘It can be seen’, she says, ‘that philosophically there is a huge gap, at present unfillable as far as we are concerned, which needs to be filled by an account of human nature, human action, the type of characteristic a virtue is, and above all of human “flourishing”’.<sup>2</sup> And Mrs Foot, for whom justice ‘covers all those things owed to other people’, insists that justice can ‘no longer be recommended as a virtue’<sup>3</sup> unless it can be shown that any man whatsoever needs to be just:

‘Why shouldn’t I do that?’ [she says] is not answered by the words ‘because it is unjust’ as it is answered by showing that the action will bring boredom, loneliness, pain, discomfort, or certain kinds of incapacity, and this is why it is not true to say that ‘It’s unjust’ gives a reason [for choice] in so far as any reasons can be given. ‘It’s unjust’ gives a reason only if the nature of justice can be shown to be such that it is necessarily connected with what a man wants.<sup>4</sup>

She then tries to meet this requirement by discussing the advantages of justice over injustice. But this, she admits, is a much more difficult

<sup>1</sup> *Nicomachean Ethics*, 1097b (trans. J. A. K. Thomson).

<sup>2</sup> ‘Modern Moral Philosophy’, p. 18.

<sup>3</sup> ‘Moral Beliefs’, p. 99.

<sup>4</sup> *Ibid.*, p. 101.

task than doing the same for many of the other virtues. For there are special problems in trying to work out such a case—problems with which any reader of the *Republic* may be assumed to be familiar.

Under the heading ‘injustice’ come such things as murder, theft, adultery, lying, cheating, stealing, breaking promises, and all kinds of wilful deception; things such as judicial condemnation of the innocent and, in general, negligence of what is owed by one person to another or by or to society. What Anscombe and Foot are saying is that justice, which can be understood as respect for rights, or avoidance of such injustices as those just mentioned, cannot be (to use Mrs Foot’s expression) recommended as a virtue until it has somehow been shown that it is something any man needs in order to flourish; that it is a requirement for or a necessary part of living well, happiness or the good life. When this has been done, the connection with wanting will have been established, and it will have been shown that everyone has a good reason for being just.

In the meantime, however, the question will remain whether one ought not, or whether it might not be best, or whether one has not more reason, in certain circumstances, to do the unjust rather than the just thing. And where one does *not* admit deontic reasons, this often seems quite a reasonable question. It is very difficult to show, if *deontic reasons are excluded*, that there is always more reason for doing the just thing than the unjust, or that the injustice of an act provides a sufficient reason for not doing it (or that the injustice of not doing something provides a sufficient reason for doing it). Acting justly may require what can only be reasonably regarded as a sacrifice of private interest. For example, to take an extreme case, a man may only be able to save himself by betraying an innocent man. And Miss Anscombe says: ‘It is a bit much to swallow that a man in pain and hunger and poor and friendless is “flourishing”, as Aristotle himself admitted. Further someone might say that one at least needed to stay alive to “flourish”.<sup>1</sup> And Mrs Foot:

The reason why it seems to some people so impossibly difficult to show that justice is more profitable than injustice is that they consider in isolation particular just acts. It is perfectly true that if a man is just it follows that he will be prepared, in the event of very evil circumstances, even to face death rather than to act unjustly—for instance, in getting an innocent man convicted of a crime of which he has been accused. For him it turns out that his justice brings disaster on him, and yet like anyone else he had good reason to be a just and not an unjust man. He could not have it both ways and while possessing the virtue of justice hold himself ready to be unjust should any great advantage accrue. The man who has

<sup>1</sup>‘Modern Moral Philosophy’, p. 18.

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the virtue of justice is not ready to do certain things, and if he is too easily tempted we shall say that he was ready after all.<sup>1</sup>

But neither Miss Anscombe nor Mrs Foot really answers the criticism. Mrs Foot's reply would constitute a recognisable answer to the criticism only if it were taken in something like the following sense: Certainly it is true that a just person may be required, in certain special instances, to act contrary to his private interest. But this does not mean that justice is not a virtue in the sense of something which, viewed overall, is more profitable or advantageous to have than to lack. It is true that when one decides to try to become a just person, one is running the risk of having, at some future time, to make some very great sacrifice, but chances are one will not, and it is certainly worth the gamble. One cannot be called a just person if one is ready to be unjust whenever it seems to be to one's advantage to do so. The just person acts justly even when it requires a sacrifice of private interest. This is the price one must pay for the advantages that the disposition to act justly brings. Of course, one may lack sufficient reasons for doing the just rather than the unjust thing in a particular case but, being just, one cannot do otherwise; this is the risk that must be taken.

On this view it is always possible that, on a specific occasion, there is more reason for doing the unjust than the just thing. But for Anscombe and Foot the mere description of an act as unjust, if that description is correct, constitutes a sufficient reason for not doing it. And if this is so a man must not only have good reasons for cultivating the disposition to be just, but *sufficient* reasons for avoiding injustice in each and every individual case. And it remains to be proven that, when the disadvantage is very great, a man has more reason, *discounting deontic reasons*, for the just than for the unjust act. If justice is simply a matter of advantage, how can this be so? Miss Anscombe says only that there is a lot of difficult philosophy involved which neither she nor anyone 'in the present situation of English philosophy' can do.<sup>2</sup>

Notice that the things which count for Anscombe and Foot as injustices, viz. murder, lying, stealing, failing to keep one's promises, etc., are among the things that those who accept the legitimacy of deontic concepts would say we had a moral obligation or a duty not to perform, or that we ought not, morally, to perform. They constitute, in fact, the largest and most important subclass of the class of acts that are generally held to be morally wrong. Notice also that both Anscombe and Foot, like Plato, recognise that it must be shown not merely that there is always a good reason for doing the just thing (or not doing the unjust thing), but that there is a *sufficient* reason for

<sup>1</sup>'Moral Beliefs', p. 104.

<sup>2</sup>'Modern Moral Philosophy', p. 16.

doing so. The person who 'has the virtue of justice' refrains from doing certain sorts of things, which are classed as unjust, and performs certain others the neglect of which is classified as unjust, regardless of what his desires or purposes or interest may otherwise be. The just man, in other words, and the man who as a matter of moral principle does not lie, steal, murder, fail to honour his agreements, etc., are identical.

Now since the just man, on the Anscombe-Foot account of justice, is the same as the man who habitually honours his obligations, and is never or rarely guilty of a moral transgression, and since it is the same act which, with a few exceptions, is characterised both as 'unjust' and as 'morally wrong', I propose to call justice, in this artificial sense of the word, a *deontic* virtue. By a 'deontic virtue' I understand any virtue such that every act properly characterisable by the name of that virtue is morally required, the failure to do it constituting a moral transgression.

On this account, in addition to justice in the Anscombe-Foot sense, both honesty and justice in the narrower sense are deontic virtues. For to be dishonest is to engage in deliberate deception or to steal, and both of these are clear instances of the sort of thing that is taken to be morally wrong by those who acknowledge the legitimacy of deontic concepts. And to be just in one's dealings with others is acknowledged by most people to be a moral requirement. Politeness or courtesy, rudeness being a commonly acknowledged moral transgression (albeit a minor one), is also a deontic virtue, as is uprightness in the old sense, which seems to be the exact equivalent of justice in the Anscombe-Foot sense.

Kindness or benevolence, and generosity, however, are not deontic virtues, despite their relating to the good of others, because there is no specific class of acts, describable independently of motive or disposition, that they require. To fail to be kind does not, and indeed as such cannot, constitute the violation of a deontic principle, nor does failing to be generous, as such. The distinction is akin to the traditional distinction between perfect and imperfect duties, the former requiring the performance (or omission) of any act of a given description, the latter not, but only on certain occasions not specifiable by the principle itself. The trouble with this traditional account is that the so-called imperfect duties are not duties at all, but virtuous dispositions. There are other virtues, such as prudence and self-discipline, which relate primarily and directly to the well-being or welfare of the agent himself. These may be called 'personal' virtues.

What Mrs Foot has to say about virtue in general seems to be true to the following extent. It is difficult to see how anything could be recommended as a virtue, including the disposition to act justly,

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if it bore no relation whatsoever to the interest or well-being of the agent. This is true even of the deontic virtues. If a child wants to know, for example, why he should be honest, it is perfectly in order to tell him, what is in fact true, that if he is not honest people will not trust him, that he will not be able to have the sort of friendships honest people have, that the majority of people, who are honest, will shun his society, that being habitually dishonest is likely to make him fearful and insecure, and so on. These are all reasons, good reasons, for cultivating the virtue of honesty. They are also reasons, therefore, for refraining from doing what is dishonest on particular occasions, since such an abstention will help to bring about the disposition or to reinforce it if it already exists. But they are not the only or even the principal reasons why a person ought not to lie, steal or cheat, for lying, stealing and cheating are *morally wrong*. That something would constitute lying, cheating or stealing, supposing these to be wrong, is a deontic reason for not doing it. And deontic reasons, as I have tried to show in the first part of this paper, cannot be reasons of private interest or desire or well-being.

Nevertheless there is no reason why deontic virtue should not to a large extent *coincide* with private interest, and in fact there are all sorts of good interested reasons for being honest (for example), such as the ones mentioned above. Furthermore, deontic rules and principles must be conceived as being for the good of everyone equally, and everyone has an interest in morality. But when one is doing or refraining from doing something *because* it would be unjust or dishonest not to do so, that is precisely the sort of occasion when questions of private interest have been forced into the background in face of the requirements of justice or honesty. Neither justice, nor honesty, nor any deontic virtue, can be understood *simply* as a personal virtue in the way that self-discipline and possibly courage can, i.e. as something that one needs in order to flourish or be happy, or live well, even though this may be true. For what makes an act unjust or dishonest is *not* that it tends toward creating a disposition in the agent that will adversely affect his happiness or his flourishing, but that such acts must be generally omitted for the sake of other people or of society as a whole, even where such an omission conflicts with known private interest.

It may very well be true that the unjust man suffers in his soul, and that the just man is free from this suffering, and perhaps he has other spiritual advantages that the unjust or dishonest man does not have. But one cannot, as Plato tried to do, turn this into an account of what justice is, or say that this is the only (or even the chief) reason why unjust or dishonest acts are to be avoided. And one may find oneself, as Plato did (especially in Book X of the *Republic*, but

actually throughout the dialogue), covertly assimilating justice to temperance or self-discipline or some personal virtue of a similar kind. Of course honesty is a virtue and the good man is an honest man, but he does not avoid dishonest acts solely for the sort of reason that he cultivates courage or self-discipline. Being honest, or possessing any deontic virtue, requires adherence to deontic moral principles, with all that that entails, whereas being courageous or self-disciplined does not.

One of the supposed advantages of 'just' and 'unjust' over 'morally right' and 'morally wrong' is that, although there may be some question whether a given act is morally wrong, or whether it is not the right thing to do in the circumstances, there can be no question that it is unjust. The favourite example of both Anscombe and Geach is judicial condemnation of the innocent, which Ross allowed might be *the* right thing under certain special circumstances.<sup>1</sup> So, from Miss Anscombe:

If a procedure is one of judicially punishing a man for what he is clearly understood not to have done, there can be absolutely no argument about the description of this as unjust. No circumstances, and no expected consequences, which do *not* modify the description of the procedure as one of judicially punishing a man for what he is known not to have done can modify the description of it as unjust. . . . And here we see the superiority of the term 'unjust' over the terms 'morally right' and 'morally wrong'. For in the context of English moral philosophy since Sidgwick it appears legitimate to discuss whether it *might* be 'morally right' in some circumstances to adopt the procedure; but it cannot be argued that the procedure would in any circumstances be just.<sup>2</sup>

Now I sympathise with those who hold that Ross is wrong. Judicial condemnation of the innocent is a paradigm of injustice. And it might well be argued that it is never justifiable under any circumstances. But there is nothing preventing the deontological moralist from granting this to be so, from accepting a firm deontic moral principle to this effect. He may hold that judicial condemnation of the innocent is morally wrong on the ground that it is unjust and that injustice is never morally permissible. Otherwise, indeed, it may be open to question whether or not one ought, in these circumstances, to do the unjust thing. Certainly there is no question that the act is unjust. But granting this, it might remain an open question whether or not it was the right thing in the circumstances, whether or not injustice, in certain grave circumstances, was morally permissible. But this is just the conclusion Miss Anscombe wants to

<sup>1</sup>*The Right and the Good*, p. 61.

<sup>2</sup>'Modern Moral Philosophy', p. 16.

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avoid! What she wishes to say is that certain acts, which she calls unjust, are categorically forbidden. But deontic language must be introduced if her words are to have that force, if it is to be clear that she is condemning judicial condemnation of the innocent at such and on moral grounds. So it is *not* true that it adds nothing to the description 'unjust' to say that an act is morally wrong or that there is a moral obligation not to do it.

Geach expresses fears concerning deontic language similar to Miss Anscombe's in the following passage:

Since the English word 'right' has an idiomatic predilection for the definite article—we speak of *a* good chess move but of *the* right move—people who think that doing right is something other than doing good will regard virtuous behaviour as consisting not just in doing good and eschewing evil, but in doing on every occasion, *the* right act for the occasion. This speciously strict doctrine leads in fact to quite laxist consequences. A man who just keeps on doing good and eschewing evil, if he knows that adultery is an evil act, will decide that (as Aristotle says) there can be no deliberating when or how or with whom to commit adultery. But a man who believes in discerning, on each occasion, *the* right act for the occasion, may well decide that on this occasion, all things considered, adultery is *the* right action.<sup>1</sup>

The point, while related, is a somewhat different one, but the objection to deontic language is, I think, no more valid than before. Ross may talk at times as if we were under a perpetual obligation to do some one thing, as if there were always something that was *the* right thing, morally, for us to do. And this is false, since it would mean that at any one time all acts but one were morally wrong, and that one would be a duty. The morally permissible would be entirely excluded. But most of the choices open to us most of the time are neither morally required nor morally forbidden, but are entirely matters of preference or discretion; there are no deontic reasons for doing one thing rather than another. But simply because one separates questions of rightness from questions of goodness, one is not committed to a view like Ross's. In fact a clear understanding of deontic concepts shows that such a view is false.

Not every question of whether or not an act or an omission is morally permissible can be settled by deciding whether or not it is unjust, in the Anscombe-Foot sense of the word. Gratuitous cruelty to animals, for example, is no doubt morally wrong, but it would be difficult to make out a case for its being unjust. But the word has a strange ring even when applied to some things that definitely come under the heading of 'duties to others', such as failing to proffer

<sup>1</sup>"Good and Evil", p. 61.

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aid to someone in distress, or even lying and other forms of deception. And other examples are not difficult to find. One may, of course, as Miss Anscombe and Mrs Foot have done, create an artificial concept of justice, one more or less closely resembling the Greek δικαιοσύνη, under which one includes by definition everything that comes under this heading. But that the word has a queer ring in many such cases is still significant, especially since we find it suggested that 'just' and 'unjust' will do much if not all of the work of the deontic concepts 'morally right' and 'morally wrong'.

But however we describe an act, supposing deontic concepts to have been, as Miss Anscombe recommends, 'jettisoned', it will always be an open question whether or not, in some circumstances, an act of that description is not what one ought to do, and this will include judicial condemnation of the innocent. And, as I have tried to show, the task of attempting to prove justice a personal virtue in the sense of something that one needs in order to be a happy or well-functioning or 'flourishing' human being, i.e. that *this* sort of reason accounts for the requirements of justice, is a hopeless one from the start.

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